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Senate passes grandparent visitation bill

Lansing – Legislation allowing grandparents to seek visitation orders in certain circumstances received unanimous support in the Michigan Senate Wednesday.

Senate Bill 727, sponsored by Sen. Alan Sanborn, R-Richmond Twp., would restore the opportunity for grandparents in Michigan to seek visitation orders in certain circumstances so that they may participate in the lives of their grandchildren.

“The bill is intended to address flaws in the statute as originally enacted,” Sanborn said. “We took what the Michigan Supreme Court said, worked with the State Bar and other interested parties and crafted legislation that would allow involved and well-intentioned grandparents to seek to continue to play a role in their grandchildren’s lives in a single-parent custody situation.”

A 2003 decision by the Michigan Supreme Court struck down the state’s law (MCL 722.27b) allowing grandparents to seek visitation, as long as the court deems the visitation was in the best interests of the child. The law was invalidated because it did not accord sufficient deference to a parent’s decision against such visitation. This bill was crafted in such a way as to address the concerns raised by the justices in their decision.

“This legislation clearly gives deference to the desires of a fit parent, but it also allows the court the leeway to consider the best interest of the child in certain circumstances,” Sanborn said. “No one wants to weaken the authority of a fit parent to determine what is best for their child – this bill just provides an avenue for possible intervention by the court where such action may be warranted.”

SB 727, supported by the Michigan Coalition Against Domestic Violence and the Family Law Section of the State Bar of Michigan, now goes before the House for consideration.

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